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Judges' Retirement System

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Judges' Retirement System Member Booklet

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Membership

The Judges' Retirement System (JRS) was established on August 27, 1937. Membership includes justices of the Supreme Court or the District Court of Appeal and judges of a superior or municipal court appointed or elected before November 9, 1994.

Contributions

As a member of the JRS, a portion of your monthly salary (currently 8 percent) is deducted each month and put into your account in the Judges' Retirement Fund (JRF). If you are a Supreme Court or appellate court justice or a superior court judge, you do not pay income taxes on your contributions until you retire or receive a refund. If you are a municipal court judge, you may or may not pay income taxes on your contributions, depending on the county in which you work. The amount of your accumulated contributions is shown on your JRS Annual Member Statement, which is mailed to you after the end of each fiscal year.

The State also contributes an amount equal to 8 percent of your salary into your account. Your contributions, along with the State's contributions, earnings from investments, and other sources (specific court filing fees and General Fund appropriations) pay for your retirement and death benefits.

Refund of Contributions

A refund of contributions terminates your JRS membership and you will not be eligible for any future benefits. You must accept a refund of your contributions under the following circumstances:

- if you leave office prior to retirement and you have less than five years service credit;
- or**
- if you plead guilty or no contest, or are found guilty of a crime committed while holding office which is punishable as a felony under California or federal laws which involves moral turpitude or was committed in the course and scope of your duties.

Redepositing Withdrawn Contributions

If you are re-appointed or elected to a judicial position after being refunded your contributions for less than five years of service, you may redeposit your withdrawn contributions, plus interest from the date of withdrawal to the date of redeposit, and restore your service credit.

Please Note

This booklet applies to those elected to a judicial position prior to November 9, 1994. If you were elected on or after November 9, 1994, please refer to the **Judges' Retirement System II Member Benefit Booklet (JRS-JUD-2)**.

Service Credit

You earn service credit for the time you hold office as a judge, computed in years and fractions of years. If you would be eligible for service or disability retirement had your service included an additional 60 days, you may be credited with the necessary service up to 60 days.

You may be able to claim additional service credit in the JRS for certain types of previous employment, if you are not receiving credit for this service under any other public retirement system. To purchase the service credit, you must pay the amount that would have been deducted from your salary had you been a judge during that time, plus any applicable interest.

Previous employment which may be applied toward prior service credit includes service as a “judge of an excluded court.” This includes service as a judge of a justice court or a judge, justice of the peace, or recorder of a court provided for by law prior to January 1, 1952.

You may purchase all or any portion of the previous service. However, you must elect to claim prior service credit before you retire. If you think you qualify for prior service credit, contact the JRS.

Retirement Options

Several retirement options are available to you. Be sure to carefully review the benefits of each option to determine which is best for you.

Service Retirement

Section 75025

To qualify for a service retirement, you must be at least age 60 with 20 years of service. The service requirement decreases between age 66 to 70, at which age you must have 10 years of service. If your term expires within 60 days of reaching the age or service requirement necessary for retirement, you will be considered eligible for retirement under Section 75025.

Your retirement allowance will equal a percentage of the current salary of the judicial office you last held. The percentage you receive is based on your age and years of service. Increases in judicial salary increase your retirement allowance proportionately.

The table below shows retirement allowance percentages based on age and service:

Retirement Age	Years of Service	Retirement Allowance
60 - 70	20	75 percent
66	18	65 percent
67	16	65 percent
68	14	65 percent
69	12	65 percent
70 +	10	65 percent

Deferred Retirement

Section 75033.5

If you have at least five years of judicial service, you may retire under deferred retirement.

However, you will not receive a retirement allowance until:

- you reach the age at which you would have been eligible to retire under Section 75025, if you had remained continuously in office up to that age (see the table below); **and**
- you are at least age 63, or age 60 with 20 years of judicial service.

For Example:

If you are age 60 with 19 years of judicial service, you may retire and receive your retirement allowance at age 63. Even though, you will be first eligible to retire under Section 75025 with 20 years of service, you must be age 63 to receive a retirement allowance under Section 75033.5

or

If you are age 63 with 19 years of judicial service, you may retire and receive your retirement allowance at age 64, when you will be first eligible to retire with 20 years of judicial service under Section 75025.

or

If you are age 59 with 20 years of judicial service, you may retire and receive your retirement allowance at age 60, when you are first eligible to retire under Section 75025.

If you are eligible for service retirement when you elect deferred retirement, you will receive your retirement allowance immediately.

Your retirement allowance is based on your years of service (not to exceed 20) multiplied by a percentage (2 percent to 3.75 percent) based on the number of years of service. The table below shows only whole years. However, a fraction of a year is prorated and included in your retirement calculation.

If you elect a monthly allowance under Section 75033.5 at retirement, your surviving spouse will receive $\frac{1}{2}$ of your retirement benefit for life.

or

You may elect an optional settlement under Section 75070-71*. An optional settlement is electing to receive a lesser retirement allowance to enhance your surviving spouse's monthly benefit after your death.

*If you retire under Section 75025, you are not eligible for these Optional Settlements.

Optional Settlements

Option 1

If you die before you receive the full amount of your accumulated contributions, the balance is paid to your surviving spouse or estate.

Option 2

After your death, your adjusted monthly retirement allowance continues for your spouse's lifetime.

Option 3

After your death, $\frac{1}{2}$ of your adjusted monthly retirement allowance continues for your spouse's lifetime.

Option 4

Under specific guidelines, survivor benefits may be customized to fit your needs.

If your spouse predeceases you or you divorce after selecting an optional settlement, you will continue to receive the reduced amount.

All optional settlement elections are irrevocable and subject to the approval of the CalPERS Board of Administration.

Years of Service	Percent Per Year of Service	Total Percentage
5	2.00	10.00
6	2.25	13.50
7	2.50	17.50
8	2.75	22.00
9	3.00	27.00
10	3.25	32.00
11	3.50	38.50
12	3.75	45.00
13	3.75	48.75
14	3.75	52.50
15	3.75	56.25
16	3.75	60.00
17	3.75	63.75
18	3.75	67.50
19	3.75	71.25
20	3.75	75.00

Disability Retirement

Section 75060

If you become unable to continue the duties of your office because of a mental or physical disability that is, or likely to become, permanent, you may apply to the Commission on Judicial Performance (CJP) for a disability retirement.

There are no age or service requirements for a disability retirement. However, the service requirement to retire for a non-industrial disability depends on when you first became a judge.

Oath Date	Non-Industrial Disability Service Requirement
Prior to 1/1/80	No service requirement
1/1/80 to 12/31/88	two years
1/1/89 or later	four years

Generally, a retirement for industrial or non-industrial disability will provide a benefit of 65 percent of judicial salary.

Survivor Benefits

Spouse

Pre-Retirement Death

If you die before you retire, the JRS will provide benefits to your surviving spouse. Your spouse may elect only one of the benefits that are available. Be sure to carefully review each option before making an election.

Not Eligible to Retire

If you die before you are eligible to retire, your spouse will receive a monthly allowance equal to 25 percent of your judicial salary, less any workers' compensation benefits paid **for life**. This benefit is available to your spouse regardless of your length of service.

or

If you elected and paid for a surviving spouse benefit (\$2 per month), and you have 10 to 20 years of service, your spouse could elect to receive a monthly allowance equal to 1.625 percent

of judicial salary, times your years of service (a fraction of a year equals one year) **for life or until remarriage**.

The table below shows the optional surviving spouse benefit percentage.

or

If your spouse is also your designated beneficiary, they could elect to receive a return of your contributions plus one month's salary, for each year served up to a maximum of six months. If your spouse predeceases you and you do not have a designated beneficiary, your estate will receive this benefit.

Eligible to Retire

If you die after you are eligible to retire, but before you retire, your surviving spouse will receive a monthly allowance equal to half of the allowance you would have received had you retired **for life or until remarriage**.

Years of Service	Percent Per Year of Service	Total Percentage
10	1.625	16.250
11	1.625	17.875
12	1.625	19.500
13	1.625	21.125
14	1.625	22.750
15	1.625	24.375
16	1.625	26.000
17	1.625	27.625
18	1.625	29.250
19	1.625	30.875
20+	1.625	37.500

Post-Retirement Death

If you die after retirement and you retired with a service retirement under Section 75025, your surviving spouse will receive $\frac{1}{2}$ of your retirement benefit for life or until remarriage. This is the same for judges receiving a disability retirement benefit under Section 75060.

If you die after retirement and elected a deferred retirement under Section 75033.5 your surviving spouse will receive either $\frac{1}{2}$ of your benefit or the option you elected under Section 75071. Surviving spouses receiving a benefit under Sections 75033.5 or 75071 will receive the benefit for life, regardless of remarriage.

If you die after retirement and you are receiving an allowance at 50 percent of salary because you retired after age 70, there are no survivor benefits unless you elected to take a lesser allowance to provide for an optional settlement. This optional settlement is payable for life.

In all cases, judges who took the bench on or after January 1, 1980 must be married at least one year prior to retirement for surviving spouse benefits to be available.

Children

Survivor benefits will be paid to surviving children **only** if no benefits are payable to a surviving spouse.

Surviving children coverage election must be made within six months of becoming a judge or within six months of acquiring a legal duty to support an eligible child.

The contribution amount for this coverage is \$3 per month. Contributions will continue after retirement if you have eligible children and you choose to continue the benefit coverage. You may revoke your election and re-elect any time **prior** to retirement.

Eligible children include your unmarried, dependent child or stepchild under age 18, or age 22 if they are a full-time student.

In addition, an unmarried, dependent child over age 18 who is disabled by a condition which began prior to attaining age 18 and which has continued without interruption after age 18, is considered an eligible child.

Payments are divided equally among the eligible children and made directly to children over age 18, or to the guardian of children under age 18. Payments continue until a child reaches age 18, or age 22 if a full-time student, or until a disabled child is no longer unmarried, dependent, and disabled.

Pre-Retirement Death

Not Eligible to Retire

If you die before you are eligible to retire, your children will receive a monthly allowance equal to 25 percent of your judicial salary, less any workers' compensation benefits paid. Payments are divided equally if you have more than one eligible child.

or

If you have at least 10 years of judicial service at the time of your death, your children (or their guardian) may elect to receive a monthly allowance equal to 1.625 percent of your judicial salary times your years of service, to a maximum of 37.5 percent. (See table under Survivor Benefits, Spouse section on page 5.)

or

If your children are your designated beneficiaries, they (or their guardian) could elect to receive a refund of your contributions, plus one month's pay for each year you served up to a maximum of six months.

Eligible to Retire

If you die after you are eligible to retire, but before you retire, your children will receive a monthly allowance equal to half of the allowance you would have received had you retired.

Post-Retirement Death

If you die after you retire, your children will receive a monthly allowance equal to half of the allowance you were receiving.

Please Note

Survivor benefits will be paid to surviving children only if no benefits are payable to a surviving spouse.

Applying For Retirement

To apply for service retirement or deferred retirement, you must apply before your anticipated retirement date. Your effective retirement date may not be earlier than the date your application is received by the JRS. (Exception: If your term expires and you are eligible to retire, you may apply for retirement within 90 days of the expiration of your term. In this case, your retirement date would be the date your term ended.)

Your application may be in the form of a letter or you may request an application from the JRS. Please include a copy of your birth certificate with your application. To ensure timely processing, you should submit your application 60 days before you intend to retire.

To apply for a disability retirement, you must apply to the Commission on Judicial Performance and the Chief Justice. Once approved, the Commission will notify the JRS, and you will be sent the necessary forms.

Health Benefits

In order to continue your health and dental benefits into retirement, you must be enrolled in a State sponsored plan, the Public Employees' Medical and Hospital Care Act (PEMHCA), at the time of retirement.

Before you retire, contact your health benefits officer or personnel office to find out what type of health insurance you have and whether you are covered under PEMHCA.

Health Plans Not Covered Under PEMHCA

If your current health plan is not covered under PEMHCA, ask your health benefits officer about keeping your present health care insurance or enrolling in a State sponsored plan during an open enrollment period prior to your retirement date. It is important that you do this before your retirement date.

Health Plans Covered Under PEMHCA

To participate in this program as a retiree, you must be enrolled in a CalPERS-sponsored health plan on the date of your separation from employment.

- If you are eligible for federal Medicare benefits (Parts A and B), either at retirement or after retirement, State law **prohibits** your continued enrollment in a basic health plan. CalPERS offers "Supplement to Medicare" and Managed Medicare plans which you will need to request. Immediately after receiving your Medicare card, contact the JRS.
- If you first became a member of the JRS before January 1, 1985, you will receive 100 percent of the State's contribution of the health benefit premium. If you became a member after that date, the State's contribution is based on the date you became a member and your years of service. If you are nearing retirement, contact the JRS for information regarding your specific situation.

If you retire under Section 75033.5 and your allowance is deferred, you must pay the full health plan premium until you start receiving your retirement allowance in order to have the State's contribution toward of the health premium paid when your allowance begins. Once you start receiving your retirement allowance, the State's contribution will be based on the date you first became a member of the JRS and your years of service. To continue your CalPERS health plan under Section 75033.5, you must complete a Direct Payment form (HBD-21) prior to retirement.

If your family members are included in your health plan at the time of your death, their enrollment and the State's contribution will automatically continue, provided they receive a monthly allowance.

Other Considerations

Community Property

If you and your spouse divorce or legally separate, your spouse may be eligible to receive a portion of your retirement benefits.

Dental Insurance

Many of the same rules apply to dental insurance that apply to your health benefits coverage; however, some differences exist.

Vision

Vision benefits do not continue into retirement. However, you may pay for an additional 18 months of coverage. Contact your payroll office for further information.

Electronic Fund Transfer (EFT)/Direct Deposit

When you retire, or any time after retirement, you may choose to have your retirement check electronically transferred to your financial institution. Contact the JRS to request a direct deposit form.

Group Life Insurance

If you want to continue deductions for payment of group life insurance premiums, contact your group insurance office for authorization forms.

Reciprocity

The JRS has limited reciprocity with CalPERS. This means that if you have contributions on deposit with CalPERS, you may have your CalPERS retirement benefits computed based on your judicial salary, if you retire from CalPERS and the JRS on the same date.

Long-Term Care Program

If you want to continue deductions for payment of CalPERS Long-Term Care Program premiums, make sure to contact the program's administrator at (800) 982-1775, and request the proper authorization forms to ensure continuity of your premium payments.

Social Security

During your employment as a judge covered under the JRS, you do not pay Social Security taxes. If you have ever contributed to Social Security under different employment, check with your local Social Security office to inquire about your benefits.

Taxes

Your retirement allowance will be subject to both State and federal withholding. At the time of your retirement, you will be given the opportunity to make an election regarding tax withholding.

At retirement, we recommend that you make an appointment with representatives from the Internal Revenue Service and the California Franchise Tax Board, or your private tax consultant or attorney, to obtain information regarding the taxability of your retirement allowance. The JRS will provide you with the information they need to advise you in this matter.

Working After Retirement

Service Retirement

Your retirement allowance will not be affected by any employment that does not require membership in the JRS.

If you are assigned to serve in a trial court, there is no offset to your retirement benefits. If you are assigned to sit in a court of appeal or the Supreme Court and the compensation received is greater than your retirement allowance, the State will pay the difference between the compensation and the retirement allowance.

Deferred Retirement

If you retire under Section 75033.5, you may practice law or accept any other gainful employment, without affecting your retirement allowance.

You are eligible for judicial assignment after you elect deferred retirement. If you are not yet receiving your retirement allowance, you may accept the judicial salary. Once you begin receiving your retirement allowance, you will be paid in the same manner explained above.

Disability Retirement

You may not accept employment that requires membership in the JRS or another public retirement system.

If you practice law or accept other gainful employment, other than a public office, while under age 70, your retirement allowance will be reduced so the total of your allowance and earnings does not exceed 75 percent of the current salary for your last judicial office. Monthly earnings must be reported to the JRS by the eighth of the following month of receipt of earnings.

If you are under age 70 and you hold a public office which constitutes gainful employment, your retirement allowance will be permanently terminated.

If you are certified as recovered from your disability before you reach age 70, you are eligible for judicial assignment and may accept the judicial salary.

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Address and Telephone Numbers

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CalPERS On-Line

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This information booklet has been produced for use by members and other interested persons for informal purposes only. Please note that the Judges' Retirement System is governed by the Judges' Retirement System Law, California Public Employees' Retirement Law, and the Internal Revenue Code, rules and regulations which are complex and subject to change. In the event of any conflict between those governing authorities and the information provided here, the governing authorities shall have precedence.